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\*\*Summary included

**SENATORS KENNEDY AND KERRY WORK TO PROTECT NURSES AGAINST MANDATORY OVERTIME**

**PATIENT SAFETY DEPENDS ON IMPROVED CONDITIONS FOR NURSES**

WASHINGTON D.C.—Today, Senator Kennedy and Senator Kerry introduced legislation aimed at protecting nurses from forced overtime at the demand of their employers. The bill sets strict limits on health care facilities that are requiring nurses to work mandatory overtime, which can put the patients they care for at increased risk. A recent study by the University of Pennsylvania School of Nursing found that nurses who work shifts of twelve and a half hours or more are three times more likely to commit errors than nurses who work a standard shift of eight and a half hours or less.

The bill will grant the Department of Health and Human Services the authority to investigate complaints from nurses as well as the power to impose a monetary fine for those employers who violate this act.

"Improving conditions for nurses is an essential part of our ongoing effort to reduce medical errors and improve patient outcomes. But it's also a matter of basic fairness and respect," Senator Kennedy said. "Nurses perform one of the most difficult and important jobs in our society. They care about their patients and want to provide the best possible treatment. They cannot do their job when they're exhausted and overworked. Nurses – and the patients they care for – deserve better."

"It's wrong to overwork our nurses and put such an enormous strain on these hardworking professionals, their co-workers and families," Senator Kerry said. "We're all human. Just like anyone, the longer and longer a nurse works without rest, the greater the likelihood of making an error. We owe our nurses better than that and this bill responsibly limits mandatory overtime for nurses. I'm proud to have worked with Senator Kennedy in introducing this common sense measure."

"Banning mandatory overtime is about keeping nurses and patients safe," said Cathy Glasson, a registered nurse with 20 years of experience and President of the Nurse Alliance of SEIU Healthcare. Working 16-hour shifts, caring for 8 to 10 patients at a time, these are the conditions that endanger patients and drive nurses to leave the profession. Some states have already ended forced overtime, it's time for Congress to stop the practice in every hospital."

We face a critical shortage of nurses and the grueling conditions in which nurses are obliged to work jeopardizes the future of this essential profession. The American Hospital Association reports that hospitals needed 118,000 more RNs to fill immediate vacancies in December 2005. This is an 8.5% vacancy rate, and it is expected to rise to 20% in coming years, undermining their ability to provide emergency care. In addition, nearly half a million trained nurses are not currently working in the nursing profession, even though they are desperately needed.

Below is a summary of the legislation:

**THE SAFE NURSING AND PATIENT CARE ACT**

**Introduced by Senator Edward M. Kennedy and Senator John F. Kerry  
110th Congress**

The widespread practice of mandatory overtime in the nursing profession means that over-worked nurses are often forced to provide care when they are too tired to perform their jobs. While existing government standards limit the hours that pilots, flight attendants, truck drivers, railroad engineers and other professions can work before public safety is endangered, no similar limitation exists for the nation's nurses, who care for so many of our most vulnerable citizens.

The Safe Nursing and Patient Care Act takes the important step of strictly limiting the ability of providers to force nurses – for fear of losing their jobs – to work beyond their professional opinion of what is safe.

The bill would set strict limits on the ability of health facilities to require mandatory overtime from nurses. Nurses would be allowed to continue voluntary overtime at their discretion, but mandatory overtime would be allowed only when an official state of emergency has been declared by the federal, state or local government. These limits would be part of Medicare's provider agreements. They would not apply to nursing homes, since alternative staffing and quality measures are being developed for those facilities.

To ensure compliance, the bill provides the Department of Health and Human Services with the authority to investigate complaints from nurses about violations. It also grants the Department the power to assess civil monetary penalties of up to \$10,000 for violations of the Act, and to increase those fines for patterns of violations.

Providers would be required to post notices explaining these new rights and to post nurse schedules in prominent workplace locations. Nurses would also receive anti-retaliation protections for reporting employers who require them to work hours beyond what is safe for quality care. The names of providers who violate the law would be posted on the Medicare website.

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